



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,158	01/11/2002	Ira Pastan	4239-61854	8170

7590 02/24/2004

Klarquist Sparkman  
One World Trade Center  
Suite 1600  
121 SW Salmon Street  
Portland, OR 97204-2988

EXAMINER

RAWLINGS, STEPHEN L

ART UNIT	PAPER NUMBER
----------	--------------

1642

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/031,158

Applicant(s)

PASTAN ET AL.

Examiner

Stephen L. Rawlings, Ph.D.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-44 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. The amendment filed January 11, 2002 is acknowledged and has been entered.
2. Claims 1-44 are pending in the application and are currently subject to restriction.

### *Election/Restrictions*

3. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-26 and 28, insofar as the claims are drawn to a polypeptide or immunogenic fragment thereof, a nucleic acid molecule encoding said polypeptide or immunogenic fragment thereof, and a method comprising administering said polypeptide or immunogenic fragment thereof.

Group II, claim(s) 20, 22-26, 28, and 30-33, insofar as the claims are drawn to a method comprising administering a nucleic acid molecule.

Group III, claim(s) 20, 22-26, 28, and 29, insofar as the claims are drawn to a method comprising administering antigen-presenting cells.

Group IV, claim(s) 20, 22-28, 34, and 35, insofar as the claims are drawn to a method comprising administering TARP-sensitized cells.

Group V, claim(s) 36, 37, 39, 41, and 42, insofar as the claims are drawn to a method comprising detecting in a cell a nucleic acid molecule.

Art Unit: 1642

Group VI, claim(s) 36, 38, and 40-42, insofar as the claims are drawn to a method comprising detecting in a cell a polypeptide.

Group VII, claim(s) 43, drawn to an antibody.

Group VIII, claim(s) 44, insofar as the claim is drawn to a method comprising introducing into a cell a ribozyme.

Group IX, claim(s) 44, insofar as the claim is drawn to a method comprising introducing into a cell an antisense oligonucleotide.

Group X, claim(s) 44, insofar as the claim is drawn to a method comprising introducing into a cell a DNA binding protein.

Group XI, claim(s) 44, insofar as the claim is drawn to a method comprising introducing into a cell a nucleic acid molecule encoding TARP.

4. The inventions listed as Groups I-XI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of Group I is a polypeptide or immunogenic fragment thereof.

The special technical feature of Group II is administering a nucleic acid molecule.

The special technical feature of Group III is administering antigen-presenting cells.

The special technical feature of Group IV is administering TARP-sensitized cells.

The special technical feature of Group V is detecting in a cell a nucleic acid molecule.

The special technical feature of Group VI is detecting in a cell a polypeptide.

The special technical feature of Group VII is an antibody.

The special technical feature of Group VIII is introducing into a cell a ribozyme.

The special technical feature of Group IX is introducing into a cell an antisense oligonucleotide.

The special technical feature of Group X is introducing into a cell a DNA binding protein.

The special technical feature of Group XI is introducing into a cell a nucleic acid molecule encoding TARP.

Groups I-XI do not share the same or corresponding special technical feature so as to form a single general inventive concept under PCT Rules 13.1 and 13.2. Furthermore, PCT Rules 13.1 and 13.2 do not provide for a single general inventive concept comprising more than the first mentioned product, the first mentioned method for making the product, and the first mentioned method for using the product.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Art Unit: 1642

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### **Conclusion**


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler, Ph.D. can be reached on (571) 272-0871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen L. Rawlings, Ph.D.  
Examiner  
Art Unit 1642

slr  
February 18, 2004

  
YVONNE EYLER, PH.D.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600